

IN RE: PETITION FOR VARIANCE
SW/S Marburg Manor Drive and
Trimble Hill Court
(8704 Marburg Manor Drive)
8th Election District
3rd Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY

* Case No. 97-364-A

Mary H. Marburg, c/o Greenebaum and Rose Associates, Owner;
Seminary Overlook Ltd. Part., Contract Purchaser - Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance for that property known as 8704 Marburg Manor Drive, also known as Lot 6J of Seminary Overlook, located in the vicinity of Thornton Road and Seminary Avenue in Lutherville. The Petition was filed by the owner of the property, Mary H. Marburg, c/o Greenebaum and Rose Associates, by J. Stevenson Peck, Attorney-In-Fact, and the Contract Purchaser, Seminary Overlook Limited Partnership, by Stewart J. Greenebaum, President, through their attorney, Steven M. Rosen, Esquire. The Petitioners seek relief from Sections 1B01.2.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), and Sections V.B.6.a and V.B.9 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a window and building setback from the street right-of-way of 15 feet in lieu of the required 25 feet for a proposed single family dwelling, and to amend the second amended Final Development Plan for the Resub-division of Seminary Overlook, Lot 6, Block "J" thereof, to reflect the proposed modification. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Richard Matz, Professional Engineer with Colbert Matz Rosenfelt, Inc., who pre-

5/13/97
RSP

FILED

pared the site plan for this property, William and Marcia Shackelford, Contract Purchasers of the subject property, and Douglas Magill, who represented the Shackelfords. Appearing in opposition to the Petitioners' request were two neighbors, Elsa Militello and Eileen Lin.

Testimony and evidence offered revealed that the subject property consists of 0.26 acres, more or less, zoned D.R. 2 and is located at the southwest corner of the intersection of Marburg Manor Drive with Trimble Hill Court. The Petitioners are desirous of developing the property with a single family dwelling; however, given the small size of the lot, its location on a corner, and the topography of the land, the requested variance is necessary in order to proceed as proposed.

Appearing in opposition to the Petitioner's request were Elsa Militello and Eileen Lin. These residents live on Trimble Hill Court, in close proximity to the subject property. They are both opposed to the granting of the variance and argued that if the variance is granted, the view from their homes to Towson will be impeded by the proposed dwelling, which they believe is simply too large for the subject lot and will sit too close to Marburg Manor Drive.

As has been the case with many of the lots in this particular subdivision, this Developer has found it necessary to request variances in order to construct the types of homes selected by the buyers. It is apparent that the lots in this subdivision are simply too small to be developed with the size of home this builder is attempting to place on them. In my opinion, the subject lot is simply too small for the size home proposed, and any hardship to the Petitioner in this instance is self-created. Therefore, the relief requested shall be denied. The Petitioner must maintain the required setbacks in order to develop this lot.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.


Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. As noted above, it is my opinion that the hardship in this case is self-created. The lots in this subdivision are simply too small for the size home the Developer is attempting to build. Furthermore, it was clear from the testimony offered by the Protestants that the granting of the relief requested would be detrimental to their health, safety and general welfare. Therefore, I am persuaded to deny the variance.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of May, 1997 that the Petition for Variance seeking relief from Sections 1B01.2.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), and Sections V.B.6.a and V.B.9 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a window and building setback from the street right-of-way of 15 feet in lieu of the required 25 feet for a proposed single family dwelling, and to amend the second amended Final Development Plan for the Resubdivision of Seminary Overlook, Lot 6, Block "J" thereof, to reflect the proposed modification, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioner shall have thirty (30) days from the date of this Order to file an appeal of this decision.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

May 13, 1997

Steven M. Rosen, Esquire
Abramoff, Neuberger & Lindner
250 W. Pratt Street
Baltimore, Maryland 21201

RE: PETITION FOR VARIANCE
SW/S Marburg Manor Drive and Trimble Hill Court
(8704 Marburg Manor Drive)
8th Election District - 3rd Councilmanic District
Mary H. Marburg, c/o Greenebaum and Rose Associates, Owner;
Seminary Overlook Ltd. Part., Contract Purchaser - Petitioners
Case No. 97-364-A

Dear Mr. Rosen:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Messrs. J. Stevenson Peck and Stewart J. Greenebaum
1829 Reisterstown Road, Baltimore, Md. 21208

Ms. Elsa Militello, 6 Trimble Hill Court, Lutherville, Md. 21093
Ms. Eileen Lin, 4 Trimble Hill Court, Lutherville, Md. 21093

Mr. Richard Matz, Colbert Matz Rosenfelt, Inc.
3723 Old Court Road, Suite 206, Pikesville, Md. 21208

Mr. & Mrs. William Shackelford, 618 Stevenson Lane, Towson, Md. 21286
People's Counsel; Case File



Petition for Variance

97-364-A
to the Zoning Commissioner of Baltimore County

for the property located at 8704 Marburg Manor Drive (Lot 6J)

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B01.2.C.2., V.B.6.a. and V.B.9. (CMDP), to permit a window and building setback from the street right-of-way of 15 feet in lieu of the required 25 feet, and to amend the second amended Final Development Plan.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

The uniqueness and peculiarity of the property causes the zoning provisions to impact disproportionately upon the property. Practical difficulty and unreasonable hardship result from the disproportionate impact of the provisions of the zoning regulations caused by the property's uniqueness.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Seminary Overlook Ltd. Partnership
Stewart J. Greenebaum, Pres.

(Type or Print Name)

Signature

1829 Reisterstown Road

Address

Baltimore, MD 21208

City

State

Zipcode

Attorney for Petitioner:

Steven M. Rosen, Esq.

(Type or Print Name)

Signature

Abramoff, Neuberger & Lindner
250 W. Pratt St. 539-8300

Address

Phone No.

Baltimore, MD 21201

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Mary H. Marburg
c/o Greenebaum and Rose Assoc.

(Type or Print Name)

Signature

J. Stevenson Peck, Attorney-In-Fact

(Type or Print Name)

Signature

1829 Reisterstown Rd 484-8400

Address

Phone No

Baltimore, MD 21208

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Richard E. Matz, P.E.
Colbert Matz Rosenfelt, Inc.

Name

3723 Old Court Rd Suite 206

Address

Baltimore, MD 21208

539-3838

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: JRF DATE 2-20-97

ORDER RECEIVED FOR FILING

Date

By

Printed with Soybean Ink
on Recycled Paper

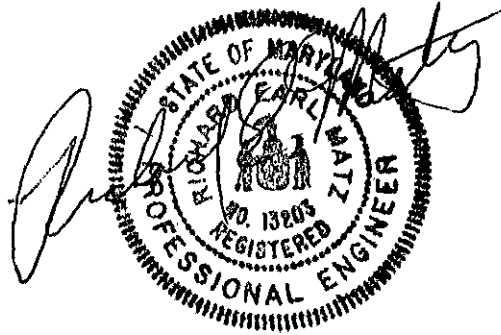


364

ZONING DESCRIPTION

97-364-A

Beginning at a point on the west side of Marburg Manor Drive, which is 55 feet wide at the southwest corner of the intersection with Trimble Hill Court, which is 50 feet wide. Being Lot No. 6, Block J, in the Resubdivision of Seminary Overlook as recorded in Baltimore County Plat Book No. 66, Folio 53, containing 0.26 acres. Also known as 8704 Marburg Manor Drive and located in the 8th Election District.



2/20/97

364

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #97-364-A

8704 Marburg Manor Drive
(Lot 6J)
W/S Marburg Manor Drive
and SWC of Trimble Hill Court
8th Election District
3rd Councilmanic
Legal Owner(s):
Mary H. Marburg
Contract Purchaser:
Seminary Overlook Ltd.
Partnership

Variance: to permit a window and building setback from the street right of way of 15 feet in lieu of the required 25 feet; and to amend the Second Amended Final Development Plan.

Hearing: Friday, April 4, 1997 at 9:00 a.m. in Rm. 106, County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

3/16/97 March 13 C126326

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

3/13

, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/13, 1997.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

032649

No.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
SCCELLANEOUS CASH RECEIPT

DATE 2-26-97 ACCOUNT E-001-615-000

AMOUNT \$ 100.00

RECEIVED London, Inc.

FROM: 8704 Warburg Manor Dr.
01 Variance
ITEM: 364

FOR: 04 Amend (SMT)

Taken by: JEF

GLADUONG147MICHIC
BA COTO:54AM02-26-97
\$100.00

VALIDATION OR SIGNATURE OF CASHIER

CASHIER PINK - AGENCY YELLOW - CUSTOMER

CERTIFICATE OF POSTING

RE: Case No.: 97-364-A

Petitioner/Developer: M. H. MARBURG, ETAL

% COLBERT; MATZ; ROSENFELT

Date of Hearing/Closing: 4/4/97

FRI. @ 9:00 AM
RM. 106 - C.O.B.

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #8704 MARBURG MANOR DRIVE

(LOT 6 J)

The sign(s) were posted on

3/15/97
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 3/18/97

(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

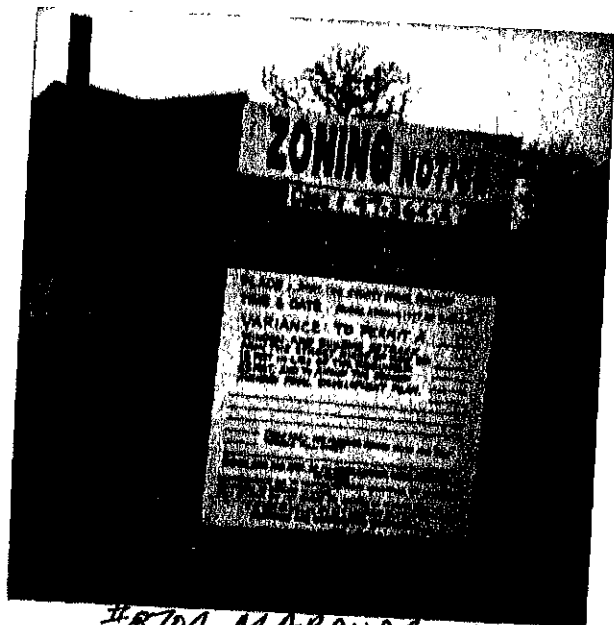
Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

(Telephone Number)

Pager (410) 646-8354



#8704 MARBURG MANOR DR.
97-364-A

P-3/15/97

304

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 07-304-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: TO PERMIT A WINDOW AND BUILDING SETBACK ~~OF~~
FROM THE STREET RIGHT OF WAY OF 15' IN LIEU OF
THE REQUIRED 25' AND TO AMEND THE SECOND
AMENDED FDP FOR LOT 6J

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 3644

Petitioner: SEMINARY OVERLOOK LTD. PARTNERSHIP

Location: 8704 MARBURG MANOR DRIVE (LOT 6 J.)

PLEASE FORWARD ADVERTISING BILL TO:

NAME: LANDCON, INC.

ADDRESS: 8826 ORCHARD TREE LANE

BALTIMORE, MARYLAND 21286

PHONE NUMBER: 410-825-4200

AJ:ggs

(Revised 09/24/96)

RECEIVED

TO: PUTUXENT PUBLISHING COMPANY
March 13, 1997 Issue - Jeffersonian

Please forward billing to:

Landcon, Inc.
8826 Orchard Tree Lane
Baltimore, MD 21286
825-4200

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-364-A
8704 Marburg Manor Drive (Lot 6J)
W/S Marburg Manor Drive and SWC of Tri9mble Hill Court
8th Election District - 3rd Councilmanic
Legal Owner(s): Mary H. Marburg
Contract Purchaser: Seminary Overlook Ltd. Partnership

Variance to permit a window and building setback from the street right of way of 15 feet in lieu of the required 25 feet; and to amend the Second Amended Final Development Plan.

HEARING: FRIDAY, APRIL 4, 1997 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 7, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-364-A
8704 Marburg Manor Drive (Lot 6J)
W/S Marburg Manor Drive and SWC of Tri9mble Hill Court
8th Election District - 3rd Councilmanic
Legal Owner(s): Mary H. Marburg
Contract Purchaser: Seminary Overlook Ltd. Partnership

Variance to permit a window and building setback from the street right of way of 15 feet in lieu of the required 25 feet; and to amend the Second Amended Final Development Plan.

HEARING: FRIDAY, APRIL 4, 1997 at 9:00 a.m. in Room 106, County Office Building.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Seminary Overlook Ltd Part.
Steven M. Rosen, Esq.
Richard E. Matz, P.E.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 20, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 27, 1997

Steven M. Rosen, Esquire
Abramoff, Neuberger & Lindner
250 W. Pratt Street
Baltimore, MD 21201

RE: Item No.: 364
Case No.: 97-364-A
Petitioner: Greenebaum & Rose, Assoc

Dear Mr. Rosen:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on February 26, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a faint, circular official stamp.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 3-11-97
Item No. 364 JRF

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: March 10, 1997

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 339, 357, 360, 361, 364, 365, 366, and 367

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Leins

PK/JL

B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: March 17, 1997

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for March 17, 1997
 Item No. 364

 The Development Plans Review Division has reviewed the subject
Zoning item. Has the split-rail fence required by Zoning (Case No.
92-391-A) been installed?

RWB:HJO:jrb

cc: File

ZONE317.364

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

March 12, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW
Location: DISTRIBUTION MEETING of March 10, 1997.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

355, 356, 357, 358, 359, 360, 361, 362, 364, 365, 366, & 367



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 3/13/97

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: March 14, 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 353 367
 356
 358
 359
 360
 361
 362
 363
 364
 365

RBS:sp

BRUCE2/DEPRM/TXTSBP

#360 --- JCM

PETITION PROBLEMS

1. Need printed name and title of person signing for legal owner.
2. Need signature of attorney.
4. Need additional fee for SPH (fixed on 3/5/97).
3. Sign form is incomplete.

#363 --- MJK

1. Sign form is incomplete.

#364 --- JRF

1. Need authorization for J. Stevenson Peck to sign for legal owner.
2. No attorney listed on the folder.
3. Sign form is incomplete.

#365 --- CAM

1. Petition says zoning is "R.C.-5/R.C.-2", folder says zoning is "R.C.-5", which is correct??
2. Sign form is incomplete.

RE: PETITION FOR VARIANCE
8704 Marburg Manor Drive (Lot 6J), W/S
Marburg Manor Drive and SWC of Trimble
Hill Court, 8th Election District,
3rd Councilmanic

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY

Legal Owner(s): Mary H. Marburg
Contract Purchaser: Seminary Overlook Ltd. Partnership
Petitioners

* CASE NO. 97-364-A
*
*

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of March, 1997, a copy of the foregoing Entry of Appearance was mailed to Steven M. Rosen, Esq., Abramoff, Neuberger & Lindner, 250 W. Pratt Street, Baltimore, MD 21201, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

RICHARD E. MATZ

3723 OLD COURT RD STE 206 21208

DOUGLAS E. MAGILL

72 RIVER OAKS CIRCLE 21208

WILLIAM H. SHACKELFORD

618 STEVENSON LANE 21286

MARCIA M. SHACKELFORD

618 STEVENSON LANE 21286



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

EISA MILITELLO

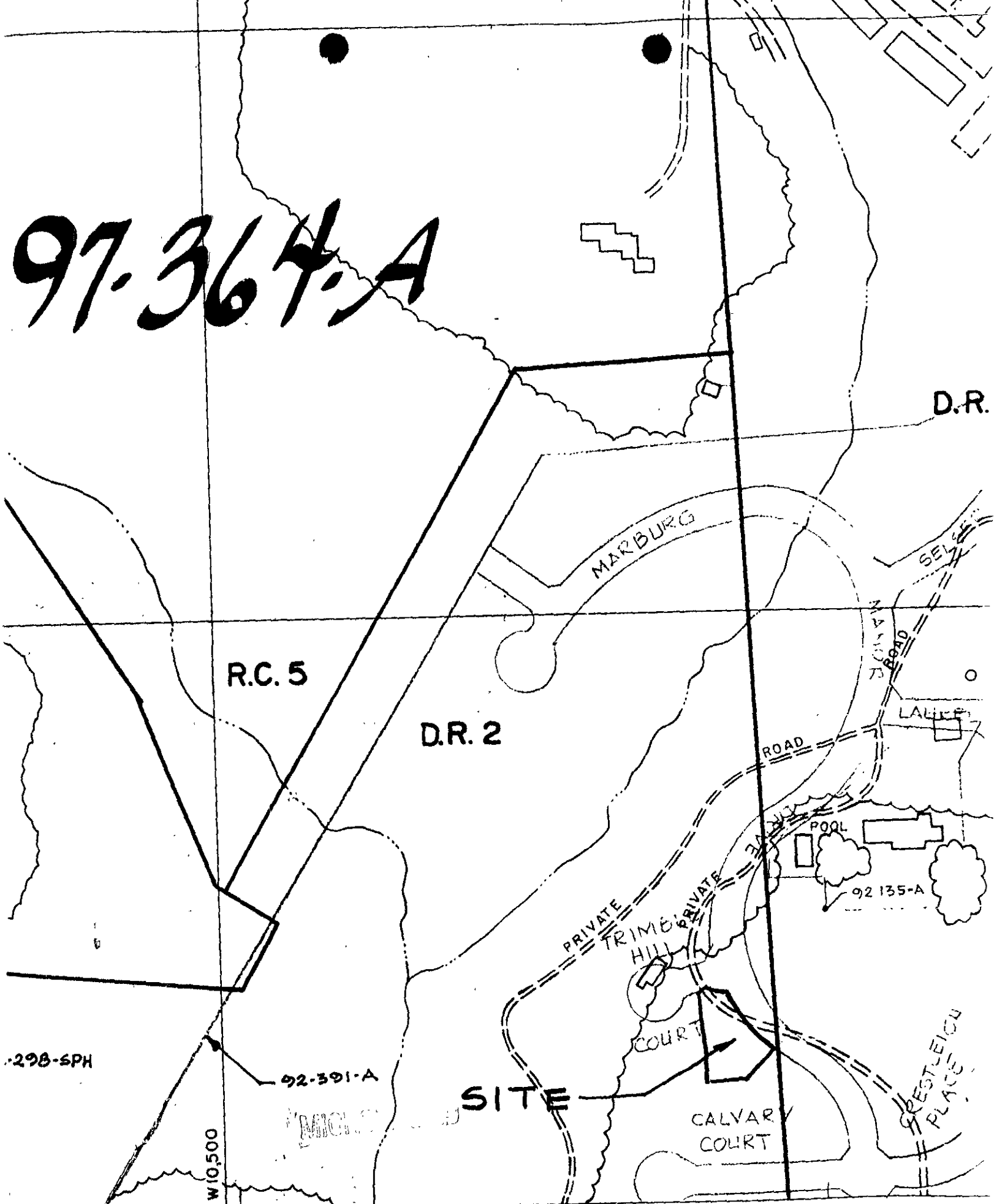
Eileen Lin

6 TRIMBLE HILL CT.

Lutherville Md. 21093

4 Trimble Hill Ct.
Lutherville Md 21093

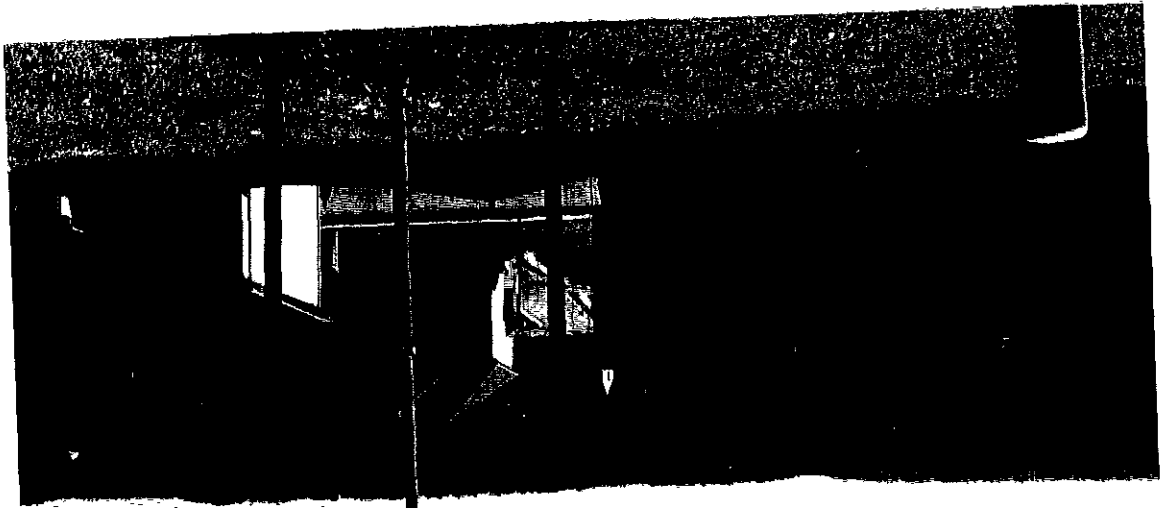
97-364-A



304

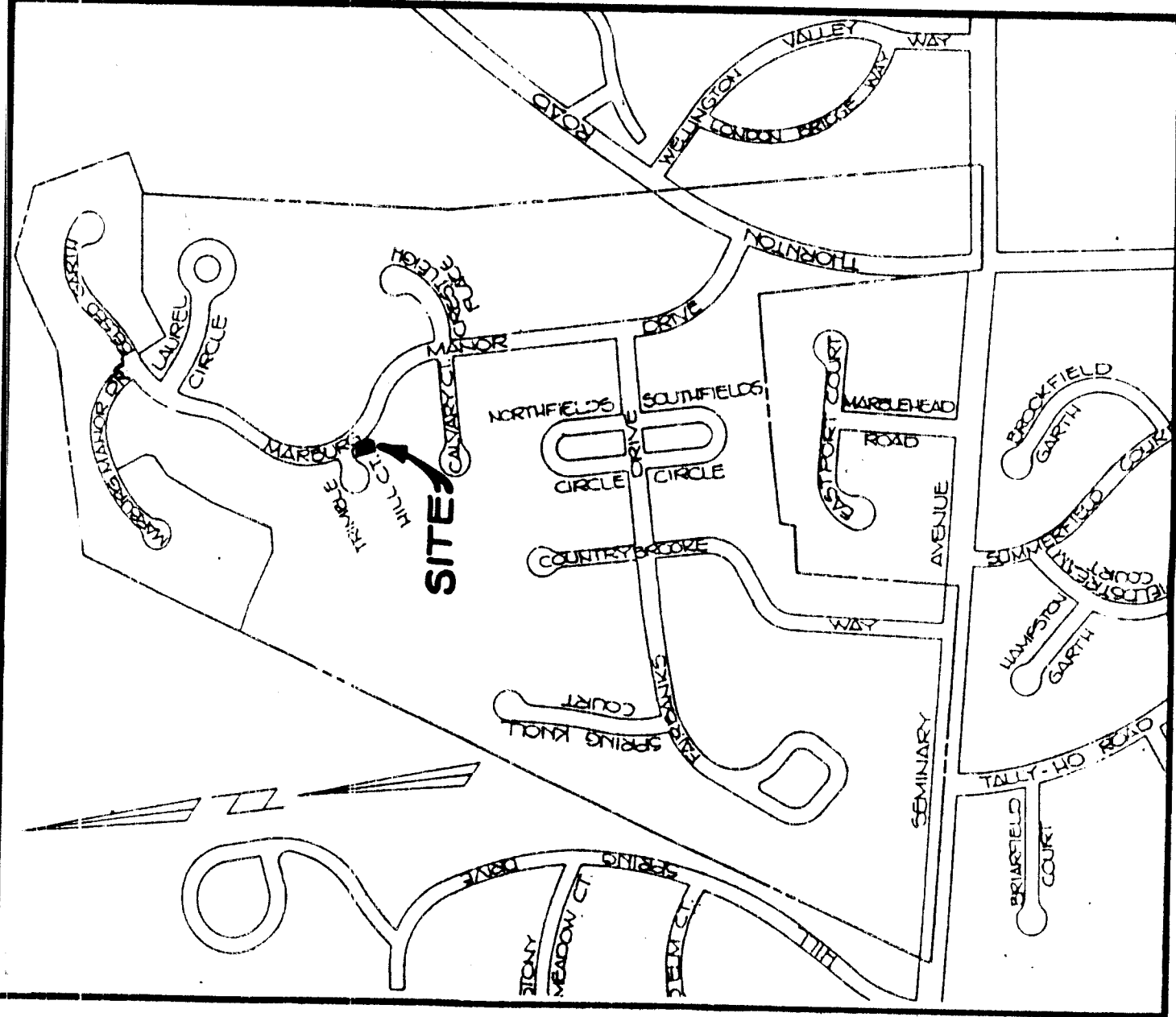
photographs
Case 97-364-A

RECEIVED









VICINITY MAP

GENERAL NOTES

- Owner: Mary H. Marburg
c/o Grenebaum and Rose Associates
1625 Reisterstown Road
Baltimore, Md. 21208
- Developer: Seminary Overlook Ltd. Partnership
1625 Reisterstown Road
Baltimore, Md. 21208
- Site: 0.26 acres (11,325 sq. ft.)
Zoned D.R. 2
Plat 66653

CASE NO. 92-301-A
ZONING VARIANCE

RESUBDIVISION OF SEMINARY OVERLOOK
LOT G BLOCK "J"

1. The applicant requests a variance from the minimum lot area requirement of 10,000 sq. ft. for a single-family residence, to allow the construction of a single-family residence on a lot of 11,325 sq. ft.

2. The applicant requests a variance from the minimum front yard setback requirement of 10 feet, to allow the construction of a single-family residence with a front yard setback of 8 feet.

3. The applicant requests a variance from the minimum side yard setback requirement of 5 feet, to allow the construction of a single-family residence with a side yard setback of 4 feet.

4. The applicant requests a variance from the minimum rear yard setback requirement of 10 feet, to allow the construction of a single-family residence with a rear yard setback of 8 feet.

5. The applicant requests a variance from the minimum rear yard setback requirement of 10 feet, to allow the construction of a single-family residence with a rear yard setback of 8 feet.

6. The applicant requests a variance from the minimum rear yard setback requirement of 10 feet, to allow the construction of a single-family residence with a rear yard setback of 8 feet.

7. The applicant requests a variance from the minimum rear yard setback requirement of 10 feet, to allow the construction of a single-family residence with a rear yard setback of 8 feet.

8. The applicant requests a variance from the minimum rear yard setback requirement of 10 feet, to allow the construction of a single-family residence with a rear yard setback of 8 feet.

9. The applicant requests a variance from the minimum rear yard setback requirement of 10 feet, to allow the construction of a single-family residence with a rear yard setback of 8 feet.

10. The applicant requests a variance from the minimum rear yard setback requirement of 10 feet, to allow the construction of a single-family residence with a rear yard setback of 8 feet.

364

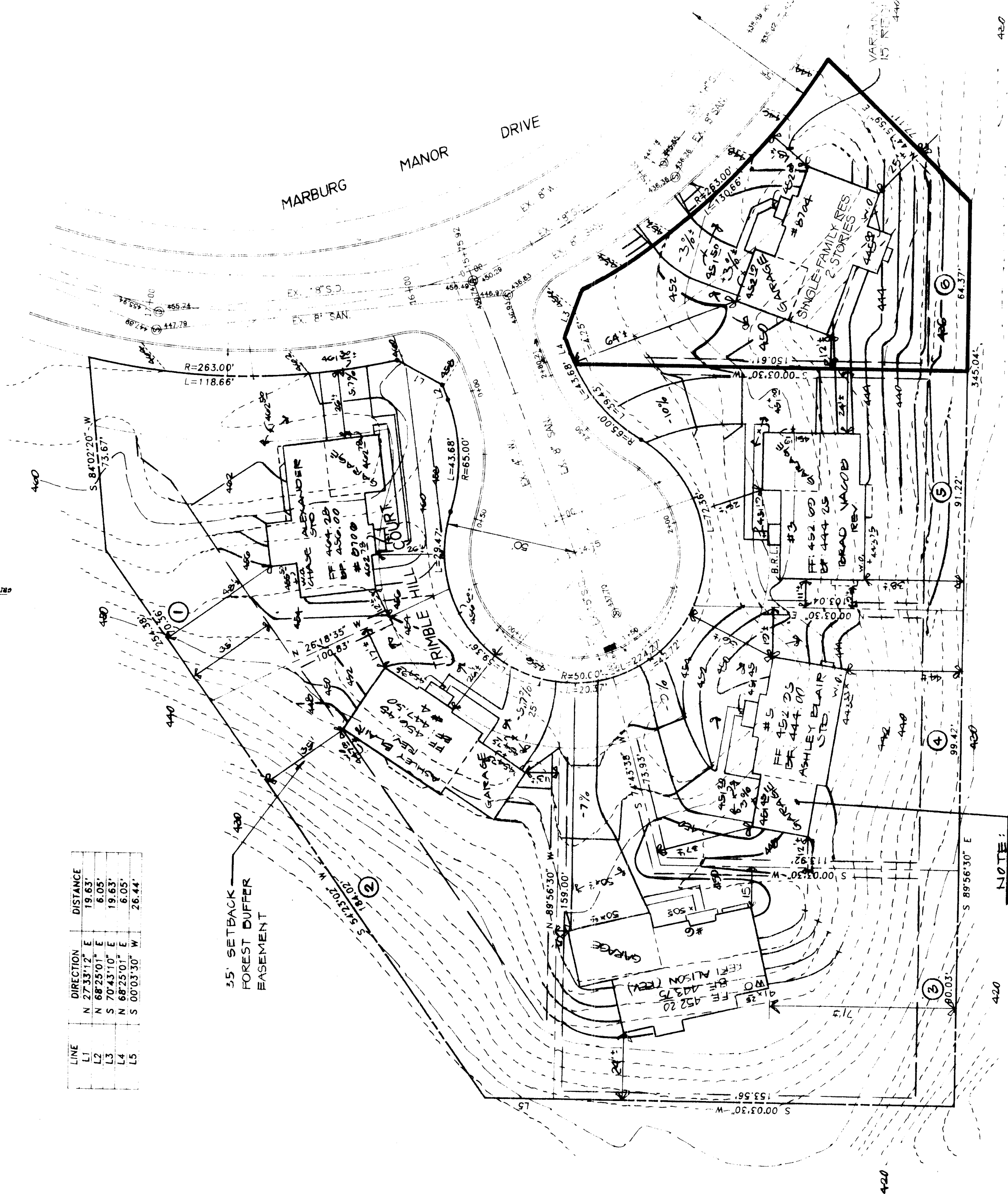
PLAN TO ACCOMPANY VARIANCE HEARING
8704 MARBURG MANOR DRIVE
LOT G BLOCK "J"

RESUBDIVISION OF SEMINARY OVERLOOK
ELECTION DISTRICT 8C3 BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30'
DATE: FEBRUARY 7, 1997

97-364-A

SETBACK REQUIREMENTS PER VARIANCE

- 30' BUILDING TO BUILDING
- 30' BUILDING TO TRACT BOUNDARY
- 5' WINDOW TO TRACT BOUNDARY
- 5' WINDOW TO SIDE LOT LINE
- 30' WINDOW TO WINDOW



NOTE:
- NARROW GARAGE BY
18' ON RT. SIDE TO
PROVIDE REQUIRED
BUILDING - BUILDING
SETBACK
- SETBACK BUILDING THAT
BE REQUIRED THAT MAY
BASEMENT AT THIS ELEV.

LINE	DIRECTION	DISTANCE
L1	N 27°31'12" E	18.63'
L2	N 68°23'01" E	8.05'
L3	S 78°55'01" E	18.63'
L4	N 68°23'01" E	8.05'
L5	S 00°03'30" W	28.44'

NO.	DATE	REVISION	BY
1	11-16-97	RESUBMIT LOT G FOR VARIANCE	SLD
2	1-10-98	REVISED LOT G FOR VARIANCE	SLD
3	1-10-98	REVISED LOT G FOR VARIANCE	SLD
4	1-10-98	REVISED LOT G FOR VARIANCE	SLD
5	1-10-98	REVISED LOT G FOR VARIANCE	SLD
6	1-10-98	REVISED LOT G FOR VARIANCE	SLD
7	1-10-98	REVISED LOT G FOR VARIANCE	SLD
8	1-10-98	REVISED LOT G FOR VARIANCE	SLD
9	1-10-98	REVISED LOT G FOR VARIANCE	SLD
10	1-10-98	REVISED LOT G FOR VARIANCE	SLD

Colbert Matz Rosenfelt, Inc.

Engineers • Surveyors • Planners
3723 Old Court Road, Suite 206
Baltimore, Maryland 21208
Telephone: (410) 653-3838 Facsimile: 653-7953



DATE	11/12/93	SCALE	1" = 30'
DESIGNED BY	C.J.C.	CHECKED BY	
SUPPLIED BY		JOB NO.	92033
DATE	11/12/93	SHEET	OF

IN RE: PETITION FOR VARIANCE
SW/S Marburg Manor Drive and
Trimble Hill Court
(8704 Marburg Manor Drive)
8th Election District
3rd Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-364-A
Mary H. Marburg, c/o Greenebaum and Rose Associates, Owner;
Seminary Overlook Ltd. Part., Contract Purchaser - Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance for that property known as 8704 Marburg Manor Drive, also known as Lot 6J of Seminary Overlook, located in the vicinity of Thornton Road and Seminary Avenue in Lutherville. The Petition was filed by the owner of the property, Mary H. Marburg, c/o Greenebaum and Rose Associates, by J. Stevenson Peck, Attorney-in-Fact, and the Contract Purchaser, Seminary Overlook Limited Partnership, by Stewart J. Greenebaum, President, through their attorney, Steven M. Rosen, Esquire. The Petitioners seek relief from Sections 1801.2.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), and Sections V.B.6.a and V.B.9 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a window and building setback from the street right-of-way of 15 feet in lieu of the required 25 feet for a proposed single family dwelling, and to amend the second amended Final Development Plan for the Resubdivision of Seminary Overlook, Lot 6, Block "J" thereof, to reflect the proposed modification. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Richard Matz, Professional Engineer with Colbert Matz Rosenfelt, Inc., who pre-

pared the site plan for this property, William and Marcia Shackelford, Contract Purchasers of the subject property, and Douglas Magill, who represented the Shackelfords. Appearing in opposition to the Petitioners' request were two neighbors, Elsa Militello and Eileen Lin.

Testimony and evidence offered revealed that the subject property consists of 0.26 acres, more or less, zoned D.R. 2 and is located at the southwest corner of the intersection of Marburg Manor Drive with Trimble Hill Court. The Petitioners are desirous of developing the property with a single family dwelling; however, given the small size of the lot, its location on a corner, and the topography of the land, the requested variance is necessary in order to proceed as proposed.

Appearing in opposition to the Petitioner's request were Elsa Militello and Eileen Lin. These residents live on Trimble Hill Court, in close proximity to the subject property. They are both opposed to the granting of the variance and argued that if the variance is granted, the view from their homes to Towson will be impeded by the proposed dwelling, which they believe is simply too large for the subject lot and will sit too close to Marburg Manor Drive.

As has been the case with many of the lots in this particular subdivision, this Developer has found it necessary to request variances in order to construct the types of homes selected by the buyers. It is apparent that the lots in this subdivision are simply too small to be developed with the size of home this builder is attempting to place on them. In my opinion, the subject lot is simply too small for the size home proposed, and any hardship to the Petitioner in this instance is self-created. Therefore, the relief requested shall be denied. The Petitioner must maintain the required setbacks in order to develop this lot.

- 2 -

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Solay, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. As noted above, it is my opinion that the hardship in this case is self-created. The lots in this subdivision are simply too small for the size home the Developer is attempting to build. Furthermore, it was clear from the testimony offered by the Protestants that the granting of the relief requested would be detrimental to their health, safety and general welfare. Therefore, I am persuaded to deny the variance.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

- 3 -

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of May, 1997 that the Petition for Variance seeking relief from Sections 1801.2.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), and Sections V.B.6.a and V.B.9 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a window and building setback from the street right-of-way of 15 feet in lieu of the required 25 feet for a proposed single family dwelling, and to amend the second amended Final Development Plan for the Resubdivision of Seminary Overlook, Lot 6, Block "J" thereof, to reflect the proposed modification, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and, IT IS FURTHER ORDERED that the Petitioner shall have thirty (30) days from the date of this Order to file an appeal of this decision.

TMK:bjs

Timothy M. Kotrood
TIMOTHY M. KOTROOD
Deputy Zoning Commissioner
for Baltimore County

- 4 -



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

May 13, 1997

Steven M. Rosen, Esquire
Abramoff, Neuberger & Lindner
250 W. Pratt Street
Baltimore, Maryland 21201

RE: PETITION FOR VARIANCE
SW/S Marburg Manor Drive and Trimble Hill Court
(8704 Marburg Manor Drive)
8th Election District - 3rd Councilmanic District
Mary H. Marburg, c/o Greenebaum and Rose Associates, Owner;
Seminary Overlook Ltd. Part., Contract Purchaser - Petitioners
Case No. 97-364-A

Dear Mr. Rosen:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotrood
TIMOTHY M. KOTROOD
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Messrs. J. Stevenson Peck and Stewart J. Greenebaum
1829 Reisterstown Road, Baltimore, Md. 21208

Ms. Elsa Militello, 6 Trimble Hill Court, Lutherville, Md. 21093
Ms. Eileen Lin, 4 Trimble Hill Court, Lutherville, Md. 21093

Mr. Richard Matz, Colbert Matz Rosenfelt, Inc.
3723 Old Court Road, Suite 206, Pikesville, Md. 21208

Mr. & Mrs. William Shackelford, 618 Stevenson Lane, Towson, Md. 21286
People's Counsel; Case File



Petition for Variance

97-364-A
to the Zoning Commissioner of Baltimore County
for the property located at 8704 Marburg Manor Drive (Lot 6J)
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 1801.2.C.2, V.B.6.a, and V.B.9 of the Comprehensive Manual of Development Policies (C.M.D.P.), to permit a window and building setback from the street right-of-way of 15 feet in lieu of the required 25 feet, and to amend the second amended Final Development Plan.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
The uniqueness and peculiarity of the property causes the zoning provisions to impact disproportionately upon the property. Practical difficulty and unreasonable hardship result from the disproportionate impact of the provisions of the zoning regulations caused by the property's uniqueness.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Assignee:
Seminary Overlook Ltd. Partnership
Stewart J. Greenebaum, Pres.
Type or Print Name
Signature

1829 Reisterstown Road
Baltimore, MD 21208
City State Zipcode

Attorney for Petitioner:
Steven M. Rosen, Esq.
Type or Print Name
Signature

Abramoff, Neuberger & Lindner
250 W. Pratt St. 539-8300
Baltimore, MD 21201
City State Zipcode

Mr. & Mrs. William Shackelford
618 Stevenson Lane, Towson, Md. 21286
City State Zipcode

People's Counsel; Case File

I, or we, do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
Mary H. Marburg
c/o Greenebaum and Rose Assoc.
Type or Print Name
Signature

J. Stevenson Peck, Attorney-in-Fact
Type or Print Name
Signature

1829 Reisterstown Rd 484-8400
Baltimore, MD 21208
City State Zipcode

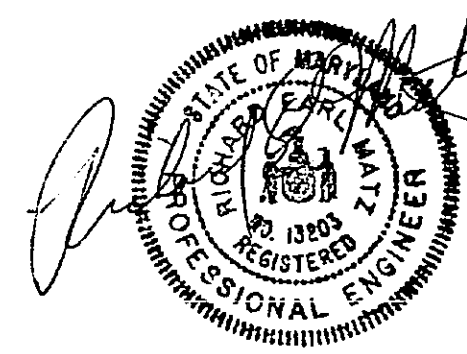
Abramoff, Neuberger & Lindner
250 W. Pratt St. 539-8300
Baltimore, MD 21201
City State Zipcode

Mr. & Mrs. William Shackelford
618 Stevenson Lane, Towson, Md. 21286
City State Zipcode

People's Counsel; Case File

ZONING DESCRIPTION

Beginning at a point on the west side of Marburg Manor Drive, which is 55 feet wide at the southwest corner of the intersection with Trimble Hill Court, which is 50 feet wide. Being Lot No. 6, Block J, in the Resubdivision of Seminary Overlook as recorded in Baltimore County Plat Book No. 66, Folio 53, containing 0.26 acres. Also known as 8704 Marburg Manor Drive and located in the 8th Election District.



364

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act, Chapter 100 of the Code of Baltimore County, will hold a public hearing on the following matter at the time and place specified below:

Case #97-364-A
8704 Marburg Manor Drive
(Lot 6J)
SW/S Marburg Manor Drive and SW/S of Trimble Hill Court
8th Election District
3rd Councilmanic District
Legal Owner(s):
Mary H. Marburg
Contract Purchaser:
Seminary Overlook Ltd. Partnership
Variance: to permit a window and building setback from the street right-of-way of 15 feet in lieu of the required 25 feet and to amend the Second Amended Final Development Plan.
Hearing: Friday, April 4, 1997 at 10:00 a.m. in the 11th County Office Building.

NOTES: (1) Hearings are held in accordance with the provisions of the Zoning Act, Chapter 100 of the Code of Baltimore County. (2) For information concerning the hearing, please call 887-3391.

3/17/97 March 13 018286

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/13, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/13, 1997.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
COLLATERAL CASH RECEIPT

No. 032649

DATE 2-26-97 ACCOUNT 8-001-615-000

AMOUNT \$100.00

RECEIVED FROM London, Inc.

FOR 8704 Marburg Manor Dr.

FOR 01 Variance ITEM: 364

FOR 04 Amend CSM Token by: JRF

DLAD00147MCHRC \$100.00
BA 0010:54AM02-26-97

VALIDATION ON SIGNATURE OF CASHIER

CERTIFICATE OF POSTING

RE: Case No.: 97-364-A
 Petitioner/Developer: M. H. MARBURG, ETAL
% COLBERT, HATE & ROSENFELT
 Date of Hearing/Closing: 4/4/97
FRI. @ 9:00 AM
RM. 106 - C.O.B.

Baltimore County Department of
 Permits and Development Management
 County Office Building, Room 111
 111 West Chesapeake Avenue
 Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
 were posted conspicuously on the property located at *8704 MARBURG MANOR DRIVE
(LOT 6J)

The sign(s) were posted on 3/15/97
 (Month, Day, Year)

Sincerely,

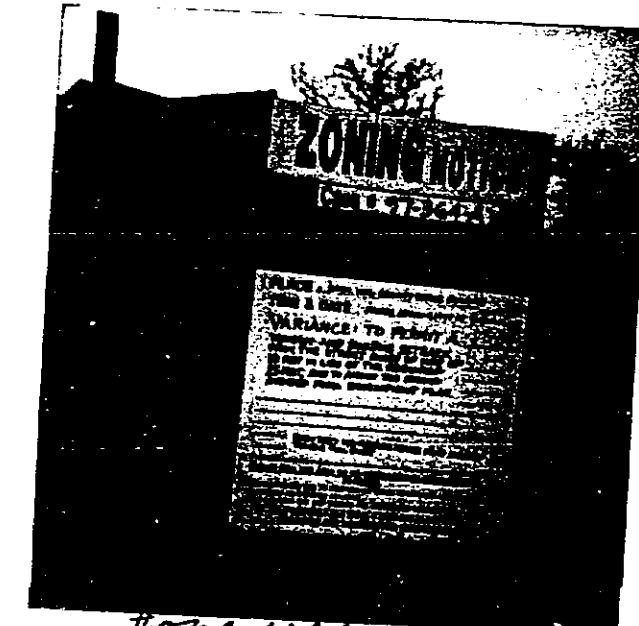
Patrick M. O'Keefe 3/18/97
 (Signature of Sign Poster and Date)

Patrick M. O'Keefe
 (Printed Name)

523 Penny Lane
 (Address)

Hunt Valley, MD 21030
 (City, State, Zip Code)

(410) 666-5366 Pager (410) 646-8354
 (Telephone Number)



*8704 MARBURG MANOR DR.
97-364-A

P-3/15/97

Exhibit B
 # 364

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-364-A

A PUBLIC HEARING WILL BE HELD BY
 THE ZONING COMMISSIONER
 IN TOWSON, MD.

PLACE:

DATE AND TIME:

REQUEST: TO PERMIT A WINDOW AND BUILDING SETBACK
FROM THE STREET RIGHT OF WAY OF 15' IN LIEU OF
THE REQUIRED 25' AND TO AMEND THE SECOND
AMENDED FDP FOR LOT 6J

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
 TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

996
 post 4.doc



Baltimore County
 Department of Permits and
 Development Management

Development Processing
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the
 general public/neighborhood property owners relative to property which
 is the subject of an upcoming zoning hearing. For those petitions which
 require a public hearing, this notice is accomplished by posting a sign
 on the property (responsibility of which, lies with the
 petitioner/applicant) and placement of a notice in at least one
 newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are
 satisfied. However, the petitioner is responsible for the costs
 associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and
 should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 364

Petitioner: SEMINARY OVERLOOK LTD. PARTNERSHIP

Location: 8704 MARBURG MANOR DRIVE (LOT 6J)

PLEASE FORWARD ADVERTISING BILL TO:

NAME: LANDCON, INC.

ADDRESS: 8826 ORCHARD TREE LANE

BALTIMORE, MARYLAND 21286

PHONE NUMBER: 410-825-4200

AJ:gg8

(Revised 09/24/96)

TO: FUTURE PUBLICATION COMPANY
 March 13, 1997 Issue - Jeffersonian

Please forward billing to:

Landcon, Inc.
 8826 Orchard Tree Lane
 Baltimore, MD 21286
 825-4200

NOTICE OF HEARING

The zoning commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
 County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-364-A
 8704 Marburg Manor Drive (Lot 6J)
 475 Marburg Manor Drive and SW of Trible Hill Court
 8th Election District - 3rd Councilmanic
 Legal Owner(s): Mary H. Marburg
 Contract Purchaser: Seminary Overlook Ltd. Partnership

Variance to permit a window and building setback from the street right of way of 15 feet in lieu of the
 required 25 feet; and to amend the Second Amended Final Development Plan.

HEARING: FRIDAY, APRIL 4, 1997 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SOKOBY
 ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
 (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
 Department of Permits and
 Development Management

Development Processing
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

March 7, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
 County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-364-A
 8704 Marburg Manor Drive (Lot 6J)
 475 Marburg Manor Drive and SW of Trible Hill Court
 8th Election District - 3rd Councilmanic
 Legal Owner(s): Mary H. Marburg
 Contract Purchaser: Seminary Overlook Ltd. Partnership

Variance to permit a window and building setback from the street right of way of 15 feet in lieu of the
 required 25 feet; and to amend the Second Amended Final Development Plan.

HEARING: FRIDAY, APRIL 4, 1997 at 9:00 a.m. in Room 106, County Office Building.

Arnold Jablon
 Director

cc: Seminary Overlook Ltd Part.
 Steven M. Rosen, Esq.
 Richard E. Metz, P.E.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 26, 1997.
 (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
 (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
 Department of Permits and
 Development Management

Development Processing
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

March 27, 1997

Steven M. Rosen, Esquire
 Abramoff, Neuberger & Lindner
 250 W. Pratt Street
 Baltimore, MD 21201

RE: Item No.: 364
 Case No.: 97-364-A
 Petitioner: Greenebaum & Rose, Assoc

Dear Mr. Rosen:

The Zoning Advisory Committee (ZAC), which consists of representa-
 tives from Baltimore County approval agencies, has reviewed the plans
 submitted with the above referenced petition, which was accepted for
 processing by Permits and Development Management (PDM), Zoning Review, on
 February 26, 1997.

Any comments submitted thus far from the members of ZAC that offer or
 request information on your petition are attached. These comments are not
 intended to indicate the appropriateness of the zoning action requested,
 but to assure that all parties (zoning commissioner, attorney, petitioner,
 etc.) are made aware of plans or problems with regard to the proposed
 improvements that may have a bearing on this case. Only those comments
 that are informative will be forwarded to you; those that are not
 informative will be placed in the permanent case file.

If you need further information or have any questions regarding these
 comments, please do not hesitate to contact the commenting agency or
 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
 W. Carl Richards, Jr.
 Zoning Supervisor

WCR/re
 Attachment(s)

Printed with Soybean Ink
 on Recycled Paper



Maryland Department of Transportation
 State Highway Administration

David L. Winstead
 Secretary
 Parker F. Williams
 Administrator

Ms. Roslyn Eubanks
 Baltimore County Office of
 Permits and Development Management
 County Office Building, Room 109
 Towson, Maryland 21204

RE: Baltimore County 3-11-97
 Item No. 364 JRF

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to
 approval as it does not access a State roadway and is not affected by any State
 Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

P. J. Burns
 Ronald Burns, Chief
 Engineering Access Permits
 Division

LG

My telephone number is _____
 Maryland Relay Service for Impaired Hearing or Speech
 1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: March 10, 1997

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 339, 357, 360, 361, 364, 365, 366, and 367

If there should be any further questions or if this office can provide additional
 information, please contact Jeffrey Long in the Office of Planning at 887-3495.

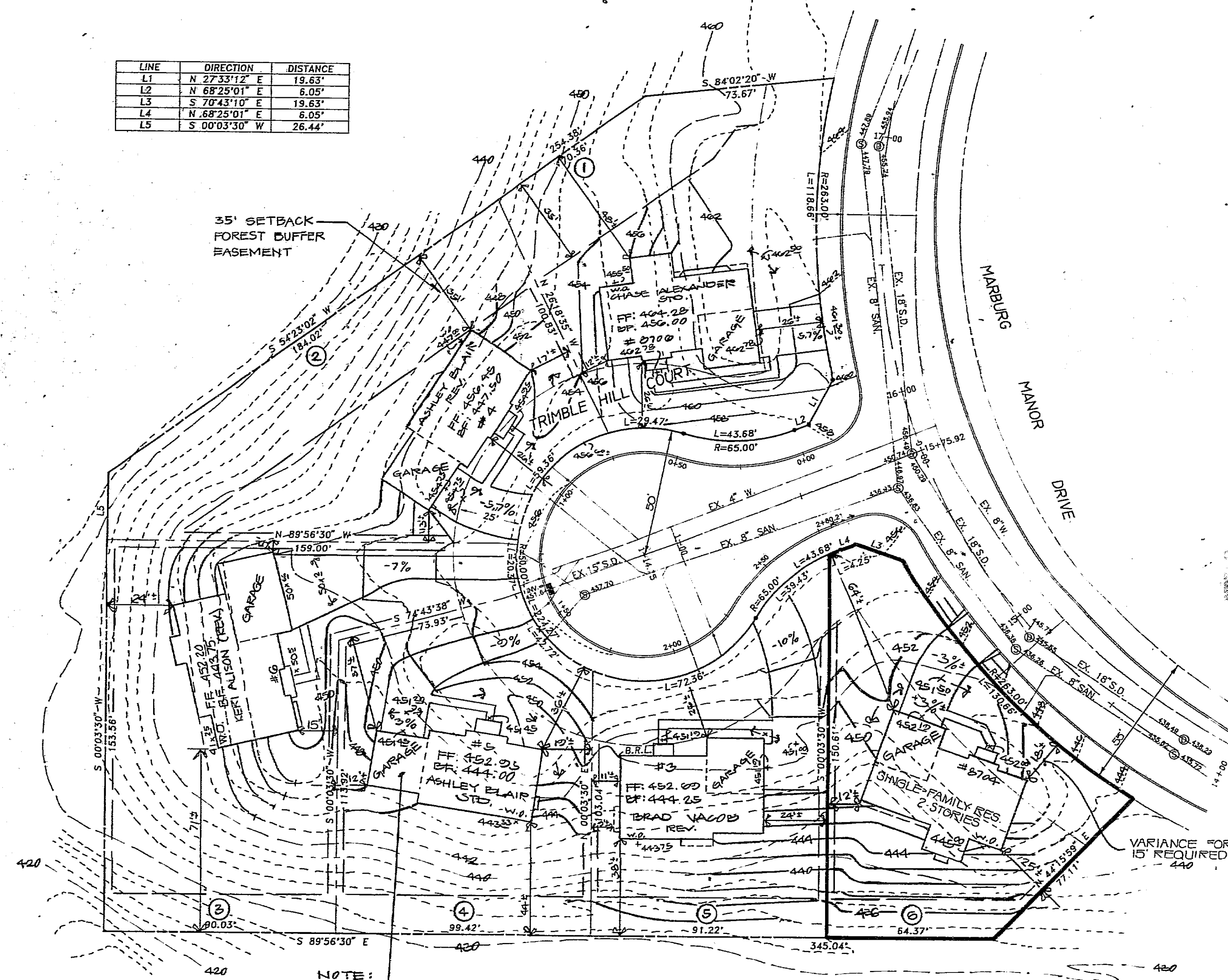
Prepared by: Jeffrey W. Long

Division Chief: Carol L. Leina

PK/JL

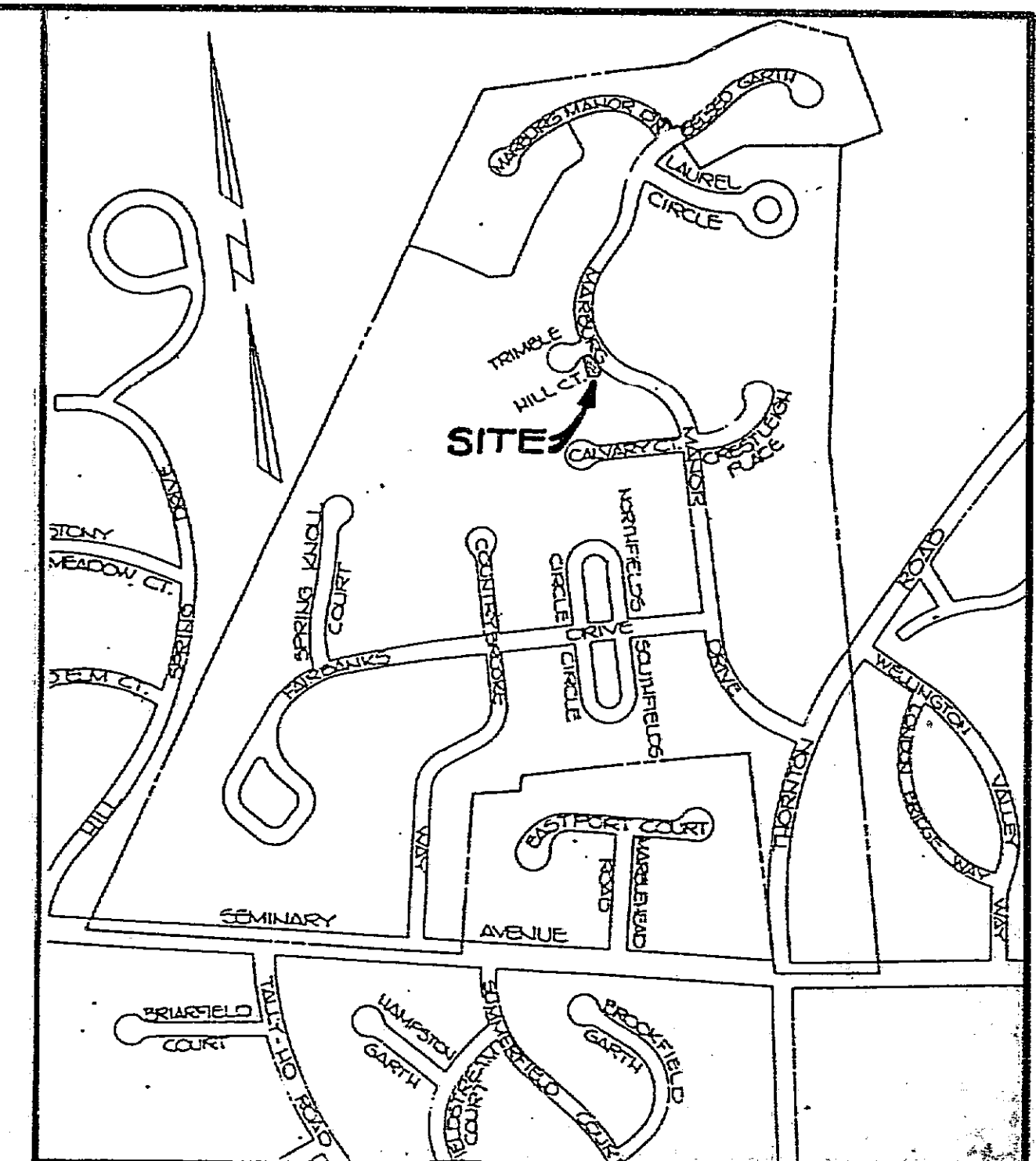
ITEH339/PZONE/ZAC1

LINE	DIRECTION	DISTANCE
L1	N 27°33'12" E	19.63'
L2	N 68°25'01" E	6.05'
L3	S 70°43'10" E	19.63'
L4	N 68°25'01" E	6.05'
L5	S 00°03'30" W	26.44'



NOTE:

- NARROW GARAGE BY 18" ON RT. SIDE TO PROVIDE REQUIRED BUILDING - BUILDING SETBACK
- AN EJECTOR PUMP MAY BE REQUIRED AT SEWER BASEMENT AT THIS ELEV.



VICINITY MAP

GENERAL NOTES

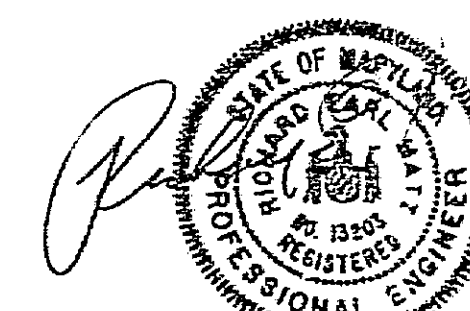
1. Owner: Mary H. Marburg
c/o Greenebaum and Rose Associates
1829 Reisterstown Road
Baltimore, Md. 21208
- Developer: Seminary Overlook Ltd. Partnership
1829 Reisterstown Road
Baltimore, Md. 21208
2. Site: 0.26 acres (11,325 sq. ft.)
Zoned D.R. 2
Plat 66/53

CASE NO. 92-391-A
ZONING VARIANCE

[illegible]

[Signature]
LARRY E. SCHULTZ
Selling Commissioner
San Bernardino County

364



2/11/97

SETBACK REQUIREMENTS PER VARIANCE

- 30' BUILDING TO BUILDING
30' BUILDING TO TRACT BOUNDARY
30' WINDOW TO TRACT BOUNDARY
5'10" WINDOW TO SIDE LOT LINE
30' WINDOW TO WINDOW

Colbert Matz Rosenfelt, Inc.
Engineers • Surveyors • Planners
3723 Old Court Road, Suite 206
Baltimore, Maryland 21208
541-414-1100, 541-414-1101

9	1-15-97	RESISTE LOT 6 FROM N. JACO B	SLD
8	5-16-96	APD 1 EXT. / SELL TO LOT 6	SLD
7	1-16-96	RELOCATE & RESEAL F.A. ON	SLD
6	1-13-96	RESISTE LOT 6 FROM NEM	SLD
5	12-7-95	RESISTE LOT 6 FROM CH. ALER	SLD
4	10-6-95	RESISTE LOT 6 FROM NED GRAY	SLD

PLAN TO ACCOMPANY VARIANCE HEARING
8704 MARBURG MANOR DRIVE
LOT G BLOCK "J"
RESUBDIVISION OF SEMINARY OVERLOOK
ELECTION DISTRICT: 8-C BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30' DATE: FEBRUARY 7, 1997

97-364-A

IN RE: PETITION FOR VARIANCE
SW/S Marburg Manor Drive and
Trimble Hill Court
(8704 Marburg Manor Drive)
8th Election District
3rd Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-364-A
Mary H. Marburg, c/o Greenebaum and Rose Associates, Owner;
Seminary Overlook Ltd. Part., Contract Purchaser - Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance for that property known as 8704 Marburg Manor Drive, also known as Lot 6J of Seminary Overlook, located in the vicinity of Thornton Road and Seminary Avenue in Lutherville. The Petition was filed by the owner of the property, Mary H. Marburg, c/o Greenebaum and Rose Associates, by J. Stevenson Peck, Attorney-in-Fact, and the Contract Purchaser, Seminary Overlook Limited Partnership, by Stewart J. Greenebaum, President, through their attorney, Steven M. Rosen, Esquire. The Petitioners seek relief from Sections 1801.2.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), and Sections V.B.6.a and V.B.9 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a window and building setback from the street right-of-way of 15 feet in lieu of the required 25 feet for a proposed single family dwelling, and to amend the second amended Final Development Plan for the Resubdivision of Seminary Overlook, Lot 6, Block "J" thereof, to reflect the proposed modification. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Richard Matz, Professional Engineer with Colbert Matz Rosenfelt, Inc., who pre-

pared the site plan for this property, William and Marcia Shackelford, Contract Purchasers of the subject property, and Douglas Magill, who represented the Shackelfords. Appearing in opposition to the Petitioners' request were two neighbors, Elsa Militello and Eileen Lin.

Testimony and evidence offered revealed that the subject property consists of 0.26 acres, more or less, zoned D.R. 2 and is located at the southwest corner of the intersection of Marburg Manor Drive with Trimble Hill Court. The Petitioners are desirous of developing the property with a single family dwelling; however, given the small size of the lot, its location on a corner, and the topography of the land, the requested variance is necessary in order to proceed as proposed.

Appearing in opposition to the Petitioner's request were Elsa Militello and Eileen Lin. These residents live on Trimble Hill Court, in close proximity to the subject property. They are both opposed to the granting of the variance and argued that if the variance is granted, the view from their homes to Towson will be impeded by the proposed dwelling, which they believe is simply too large for the subject lot and will sit too close to Marburg Manor Drive.

As has been the case with many of the lots in this particular subdivision, this Developer has found it necessary to request variances in order to construct the types of homes selected by the buyers. It is apparent that the lots in this subdivision are simply too small to be developed with the size of home this builder is attempting to place on them. In my opinion, the subject lot is simply too small for the size home proposed, and any hardship to the Petitioner in this instance is self-created. Therefore, the relief requested shall be denied. The Petitioner must maintain the required setbacks in order to develop this lot.

- 2 -

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Solay, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. As noted above, it is my opinion that the hardship in this case is self-created. The lots in this subdivision are simply too small for the size home the Developer is attempting to build. Furthermore, it was clear from the testimony offered by the Protestants that the granting of the relief requested would be detrimental to their health, safety and general welfare. Therefore, I am persuaded to deny the variance.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

- 3 -

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of May, 1997 that the Petition for Variance seeking relief from Sections 1801.2.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), and Sections V.B.6.a and V.B.9 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a window and building setback from the street right-of-way of 15 feet in lieu of the required 25 feet for a proposed single family dwelling, and to amend the second amended Final Development Plan for the Resubdivision of Seminary Overlook, Lot 6, Block "J" thereof, to reflect the proposed modification, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and, IT IS FURTHER ORDERED that the Petitioner shall have thirty (30) days from the date of this Order to file an appeal of this decision.

TMK:bjs

Timothy M. Kotrood
TIMOTHY M. KOTROOD
Deputy Zoning Commissioner
for Baltimore County

- 4 -



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

May 13, 1997

Steven M. Rosen, Esquire
Abramoff, Neuberger & Lindner
250 W. Pratt Street
Baltimore, Maryland 21201

RE: PETITION FOR VARIANCE
SW/S Marburg Manor Drive and Trimble Hill Court
(8704 Marburg Manor Drive)
8th Election District - 3rd Councilmanic District
Mary H. Marburg, c/o Greenebaum and Rose Associates, Owner;
Seminary Overlook Ltd. Part., Contract Purchaser - Petitioners
Case No. 97-364-A

Dear Mr. Rosen:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotrood
TIMOTHY M. KOTROOD
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Messrs. J. Stevenson Peck and Stewart J. Greenebaum
1829 Reisterstown Road, Baltimore, Md. 21208

Ms. Elsa Militello, 6 Trimble Hill Court, Lutherville, Md. 21093
Ms. Eileen Lin, 4 Trimble Hill Court, Lutherville, Md. 21093

Mr. Richard Matz, Colbert Matz Rosenfelt, Inc.
3723 Old Court Road, Suite 206, Pikesville, Md. 21208

Mr. & Mrs. William Shackelford, 618 Stevenson Lane, Towson, Md. 21286
People's Counsel; Case File



Petition for Variance

97-364-A
to the Zoning Commissioner of Baltimore County
for the property located at 8704 Marburg Manor Drive (Lot 6J)
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 1801.2.C.2, V.B.6.a, and V.B.9 of the Comprehensive Manual of Development Policies (C.M.D.P.), to permit a window and building setback from the street right-of-way of 15 feet in lieu of the required 25 feet, and to amend the second amended Final Development Plan.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
The uniqueness and peculiarity of the property causes the zoning provisions to impact disproportionately upon the property. Practical difficulty and unreasonable hardship result from the disproportionate impact of the provisions of the zoning regulations caused by the property's uniqueness.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Assignee:
Seminary Overlook Ltd. Partnership
Stewart J. Greenebaum, Pres.
Type or Print Name
Signature

1829 Reisterstown Road
Baltimore, MD 21208
City State Zipcode

Attorney for Petitioner:
Steven M. Rosen, Esq.
Type or Print Name
Signature

Abramoff, Neuberger & Lindner
250 W. Pratt St. 539-8300
Baltimore, MD 21201
City State Zipcode

Richard P. Matz, P.E.
Colbert Matz Rosenfelt, Inc.
3723 Old Court Rd Suite 206
Baltimore, Md 21208 632-3828
City State Zipcode

Printed with Soy-based Ink
on Recycled Paper

Write on advisory declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
Mary H. Marburg
c/o Greenebaum and Rose Assoc.
Type or Print Name
Signature

J. Stevenson Peck, Attorney-in-Fact
Type or Print Name
Signature

1829 Reisterstown Rd 484-8400
Baltimore, MD 21208
City State Zipcode

Abramoff, Neuberger & Lindner
250 W. Pratt St. 539-8300
Baltimore, MD 21201
City State Zipcode

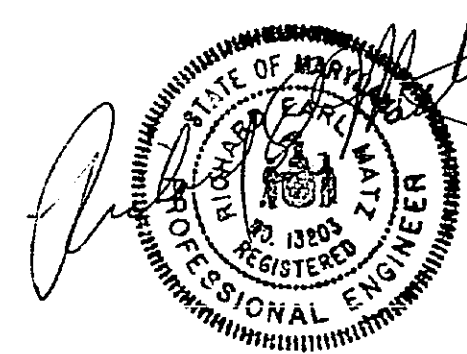
Richard P. Matz, P.E.
Colbert Matz Rosenfelt, Inc.
3723 Old Court Rd Suite 206
Baltimore, Md 21208 632-3828
City State Zipcode

Printed with Soy-based Ink
on Recycled Paper

ESTIMATED LENGTH OF HEARING
unavailable for Hearing
the following dates
Next Two Months
Held on JEF DATE 5-26-97

ZONING DESCRIPTION

Beginning at a point on the west side of Marburg Manor Drive, which is 55 feet wide at the southwest corner of the intersection with Trimble Hill Court, which is 50 feet wide. Being Lot No. 6, Block J, in the Resubdivision of Seminary Overlook as recorded in Baltimore County Plat Book No. 66, Folio 53, containing 0.26 acres. Also known as 8704 Marburg Manor Drive and located in the 8th Election District.



364

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Law of Baltimore County, will hold a public hearing on the following matter at the time and place specified below:

Case #97-364-A
8704 Marburg Manor Drive
(Lot 6J)
SW/S Marburg Manor Drive
and SW/S at Trimble Hill Court
8th Election District
3rd Councilmanic
Legal Owner(s):
Mary H. Marburg
Contract Purchaser
Seminary Overlook Ltd.
Partnership
Variance to permit a window and building setback from the street right-of-way of 15 feet in lieu of the required 25 feet and to amend the Second Amended Final Development Plan.
Hearing: Friday, April 4, 1997 at 10:00 a.m. in the 11th County Office Building.
J. Stevenson Peck, Deputy Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are held in accordance with the provisions of the Zoning Law of Baltimore County. (2) For information concerning the hearing process, please call 887-3391.
3/17/97 March 13 018286

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/13, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/13, 1997.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
COLLATERAL CASH RECEIPT

No. 032649

DATE 2-26-97 ACCOUNT B-001-GIS-000

AMOUNT \$100.00

RECEIVED FROM London, Inc

FOR 8704 Marburg Manor Dr.

FOR 01 Variance ITEM: 364

FOR 04 Amend CSM Taken by: JRF

DLAD00147MICHRC \$100.00
BA 0010:54AN02-26-97

VALIDATION ON SIGNATURE OF CASHIER

CERTIFICATE OF POSTING

RE: Case No.: 97-364-A
 Petitioner/Developer: M. H. MARBURG, ETAL
% COLBERT, HATE & ROSENFELT
 Date of Hearing/Closing: 4/4/97
FRI. @ 9:00 AM
RM. 106 - C.O.B.

Baltimore County Department of
 Permits and Development Management
 County Office Building, Room 111
 111 West Chesapeake Avenue
 Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
 were posted conspicuously on the property located at *8704 MARBURG MANOR DRIVE
(LOT 6J)

The sign(s) were posted on 3/15/97
 (Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 3/18/97
 (Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

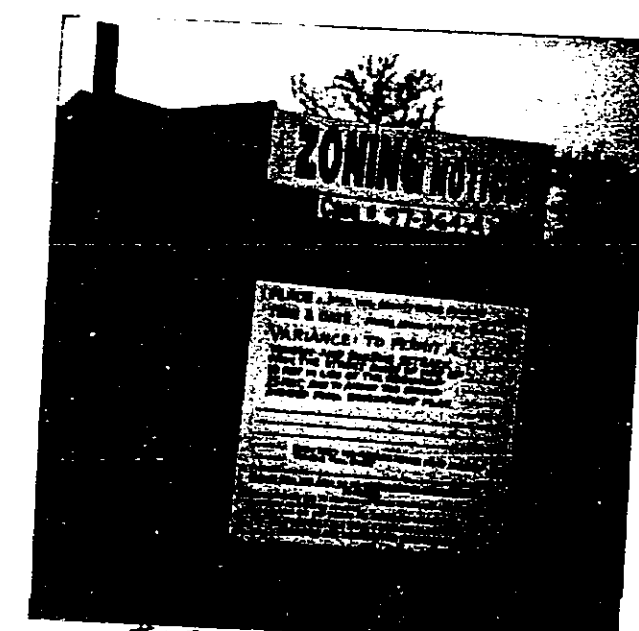
Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

Pager (410) 646-8354

(Telephone Number)



*8704 MARBURG MANOR DR.
97-364-A

P-3/15/97

Exhibit B
 # 364

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-364-A

A PUBLIC HEARING WILL BE HELD BY
 THE ZONING COMMISSIONER
 IN TOWSON, MD.

PLACE:

DATE AND TIME:

REQUEST: TO PERMIT A WINDOW AND BUILDING SETBACK
FROM THE STREET RIGHT OF WAY OF 15' IN LIEU OF
THE REQUIRED 25' AND TO AMEND THE SECOND
AMENDED FDP FOR LOT 6J

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
 TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

996
 post 4.doc



Baltimore County
 Department of Permits and
 Development Management

Development Processing
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the
 general public/neighborhood property owners relative to property which
 is the subject of an upcoming zoning hearing. For those petitions which
 require a public hearing, this notice is accomplished by posting a sign
 on the property (responsibility of which, lies with the
 petitioner/applicant) and placement of a notice in at least one
 newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are
 satisfied. However, the petitioner is responsible for the costs
 associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and
 should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 364

Petitioner: SEMINARY OVERLOOK LTD. PARTNERSHIP

Location: 8704 MARBURG MANOR DRIVE (LOT 6J)

PLEASE FORWARD ADVERTISING BILL TO:

NAME: LANDCON, INC.

ADDRESS: 8826 ORCHARD TREE LANE

BALTIMORE, MARYLAND 21286

PHONE NUMBER: 410-825-4200

AJ:gs8

(Revised 09/24/96)

TO: FUTURE PUBLICATION COMPANY
 March 13, 1997 Issue - Jeffersonian

Please forward billing to:

Landcon, Inc.
 8826 Orchard Tree Lane
 Baltimore, MD 21286
 825-4200

NOTICE OF HEARING

The zoning commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
 County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-364-A
 8704 Marburg Manor Drive (Lot 6J)
 4/5 Marburg Manor Drive and SW of Trible Hill Court
 8th Election District - 3rd Councilmanic
 Legal Owner(s): Mary H. Marburg
 Contract Purchaser: Seminary Overlook Ltd. Partnership

Variance to permit a window and building setback from the street right of way of 15 feet in lieu of the
 required 25 feet; and to amend the Second Amended Final Development Plan.

HEARING: FRIDAY, APRIL 4, 1997 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SOKOBY
 ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
 (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
 Department of Permits and
 Development Management

Development Processing
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

March 7, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
 County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-364-A
 8704 Marburg Manor Drive (Lot 6J)
 4/5 Marburg Manor Drive and SW of Trible Hill Court
 8th Election District - 3rd Councilmanic
 Legal Owner(s): Mary H. Marburg
 Contract Purchaser: Seminary Overlook Ltd. Partnership

Variance to permit a window and building setback from the street right of way of 15 feet in lieu of the
 required 25 feet; and to amend the Second Amended Final Development Plan.

HEARING: FRIDAY, APRIL 4, 1997 at 9:00 a.m. in Room 106, County Office Building.

Arnold Jablon
 Director

cc: Seminary Overlook Ltd. Part.
 Steven M. Rosen, Esq.
 Richard E. Metz, P.E.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 26, 1997.
 (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
 (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
 Department of Permits and
 Development Management

Development Processing
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

March 27, 1997

Steven M. Rosen, Esquire
 Abramoff, Neuberger & Lindner
 250 W. Pratt Street
 Baltimore, MD 21201

RE: Item No.: 364
 Case No.: 97-364-A
 Petitioner: Greenebaum & Rose, Assoc

Dear Mr. Rosen:

The Zoning Advisory Committee (ZAC), which consists of representa-
 tives from Baltimore County approval agencies, has reviewed the plans
 submitted with the above referenced petition, which was accepted for
 processing by Permits and Development Management (PDM), Zoning Review, on
 February 26, 1997.

Any comments submitted thus far from the members of ZAC that offer or
 request information on your petition are attached. These comments are not
 intended to indicate the appropriateness of the zoning action requested,
 but to assure that all parties (zoning commissioner, attorney, petitioner,
 etc.) are made aware of plans or problems with regard to the proposed
 improvements that may have a bearing on this case. Only those comments
 that are informative will be forwarded to you; those that are not
 informative will be placed in the permanent case file.

If you need further information or have any questions regarding these
 comments, please do not hesitate to contact the commenting agency or
 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
 W. Carl Richards, Jr.
 Zoning Supervisor

WCR/re
 Attachment(s)



Maryland Department of Transportation
 State Highway Administration

David L. Winstead
 Secretary
 Parker F. Williams
 Administrator

Ms. Roslyn Eubanks
 Baltimore County Office of
 Permits and Development Management
 County Office Building, Room 109
 Towson, Maryland 21204

RE: Baltimore County 3-11-97
 Item No. 364 JRF

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to
 approval as it does not access a State roadway and is not affected by any State
 Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

P. J. Burns
 Ronald Burns, Chief
 Engineering Access Permits
 Division

LG

My telephone number is _____
 Maryland Relay Service for Impaired Hearing or Speech
 1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: March 10, 1997

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 339, 357, 360, 361, 364, 365, 366, and 367

If there should be any further questions or if this office can provide additional
 information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: Jeffrey W. Long

Division Chief: Carol L. Leina

PK/JL

ITEH339/PZONE/ZAC1

TO: Arnold Jablon, Director
Department of Permits & Development
Management

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for March 17, 1997
Item No. 364

Date: March 17, 1997

ZONE317.364

March 12, 1997

355, 356, 357, 358, 359, 360, 361, 362, 364, 365, 366, & 367

RBS:sp
BRUCE2/DEPRM/TXTSBP

1. Petition says zoning is "R.C.-5/R.C.-2", folder says zoning is "R.C.-5", which is correct??
2. Sign form is incomplete.

3/5/97

FLSA RITHELAND UTERBIE HILL CT
LUTHERBIE ADD 21093
4 LUTHERBIE ADD 21093
Eden Lin

NAME	ADDRESS
<u>RICHARD E. MATZ</u>	<u>5713 2ND COURT RD STE 206 21208</u>
<u>DOUGLAS E. MAGILL</u>	<u>72 EVERDAKES CIRCLE 21208</u>
<u>WILLIAM H. SHARKEFORD</u>	<u>618 STEVENSON LANE 21286</u>
<u>MARCEA M. SHARKEFORD</u>	<u>618 STEVENSON LANE 21286</u>

97-364-A

RC.5

DR.2

MAESBURG

CALVARY COURT

PRIME DRIVE

HILL

COURT

POOL

LAWN

ESTATE PLACE

W. 3500

W. 3501-A

W. 3502-A

W. 3503-A

W. 3504-A

W. 3505-A

W. 3506-A

W. 3507-A

W. 3508-A

W. 3509-A

W. 3510-A

W. 3511-A

W. 3512-A

W. 3513-A

W. 3514-A

W. 3515-A

W. 3516-A

W. 3517-A

W. 3518-A

W. 3519-A

W. 3520-A

W. 3521-A

W. 3522-A

W. 3523-A

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W. 3527-A

W. 3528-A

W. 3529-A

W. 3530-A

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W. 3532-A

W. 3533-A

W. 3534-A

W. 3535-A

W. 3536-A

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W. 3538-A

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W. 3546-A

W. 3547-A

W. 3548-A

W. 3549-A

W. 3550-A

W. 3551-A

W. 3552-A

W. 3553-A

W. 3554-A

W. 3555-A

W. 3556-A

W. 3557-A

W. 3558-A

W. 3559-A

W. 3560-A

W. 3561-A

W. 3562-A

W. 3563-A

W. 3564-A

W. 3565-A

W. 3566-A

W. 3567-A

W. 3568-A

W. 3569-A

W. 3570-A

W. 3571-A

W. 3572-A

W. 3573-A

W. 3574-A

W. 3575-A

W. 3576-A

W. 3577-A

W. 3578-A

W. 3579-A

W. 3580-A

W. 3581-A

W. 3582-A

W. 3583-A

W. 3584-A

W. 3585-A

W. 3586-A

W. 3587-A

W. 3588-A

W. 3589-A

W. 3590-A

W. 3591-A

W. 3592-A

W. 3593-A

W. 3594-A

W. 3595-A

W. 3596-A

W. 3597-A

W. 3598-A

W. 3599-A

W. 3600-A

1988 COMPREHENSIVE ZONING MAP

Adopted by the Baltimore County Council

Dec. 12, 1988

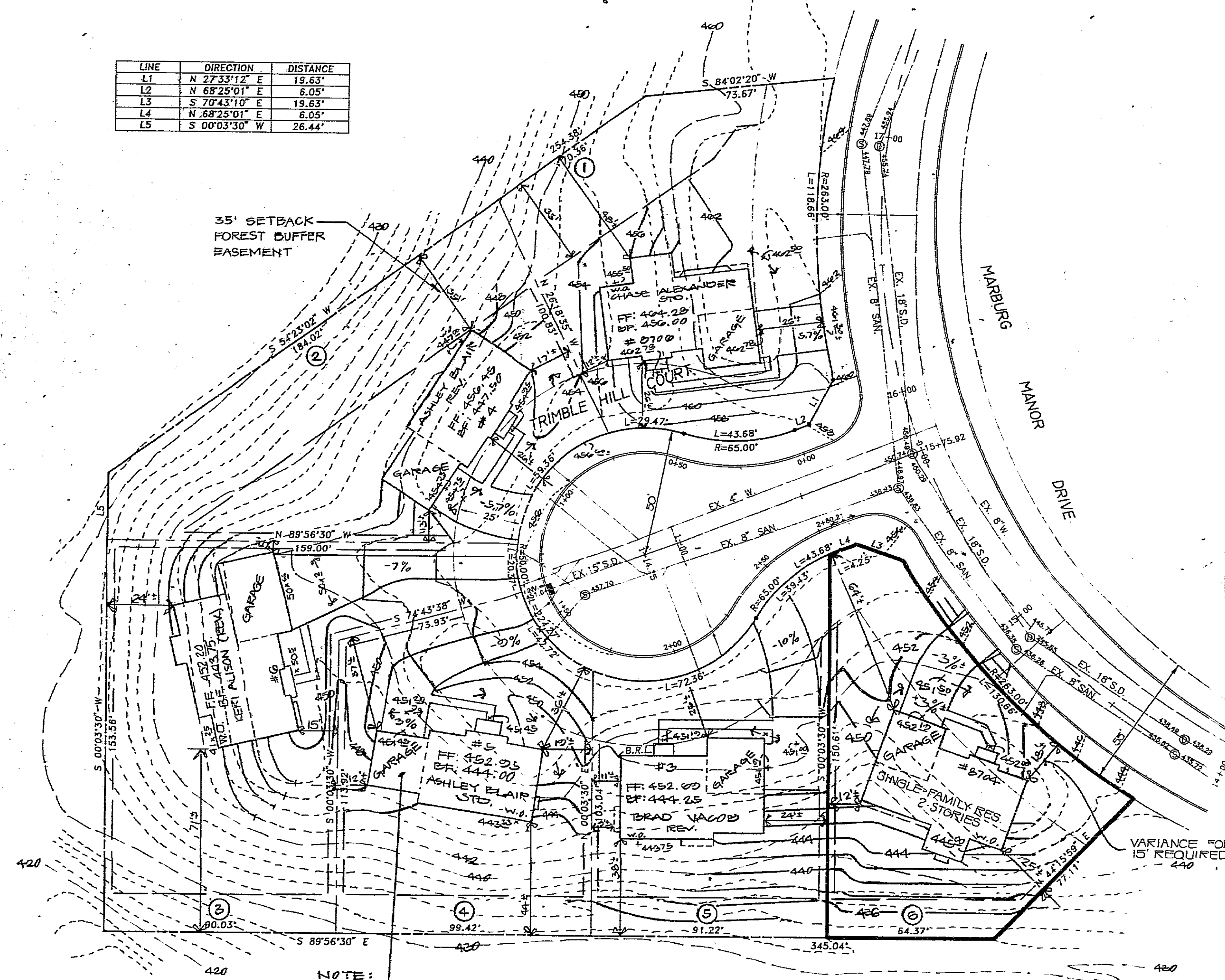
1" = 200'

NW 13 E BALTIMORE

photographs
(see 97-364-A)

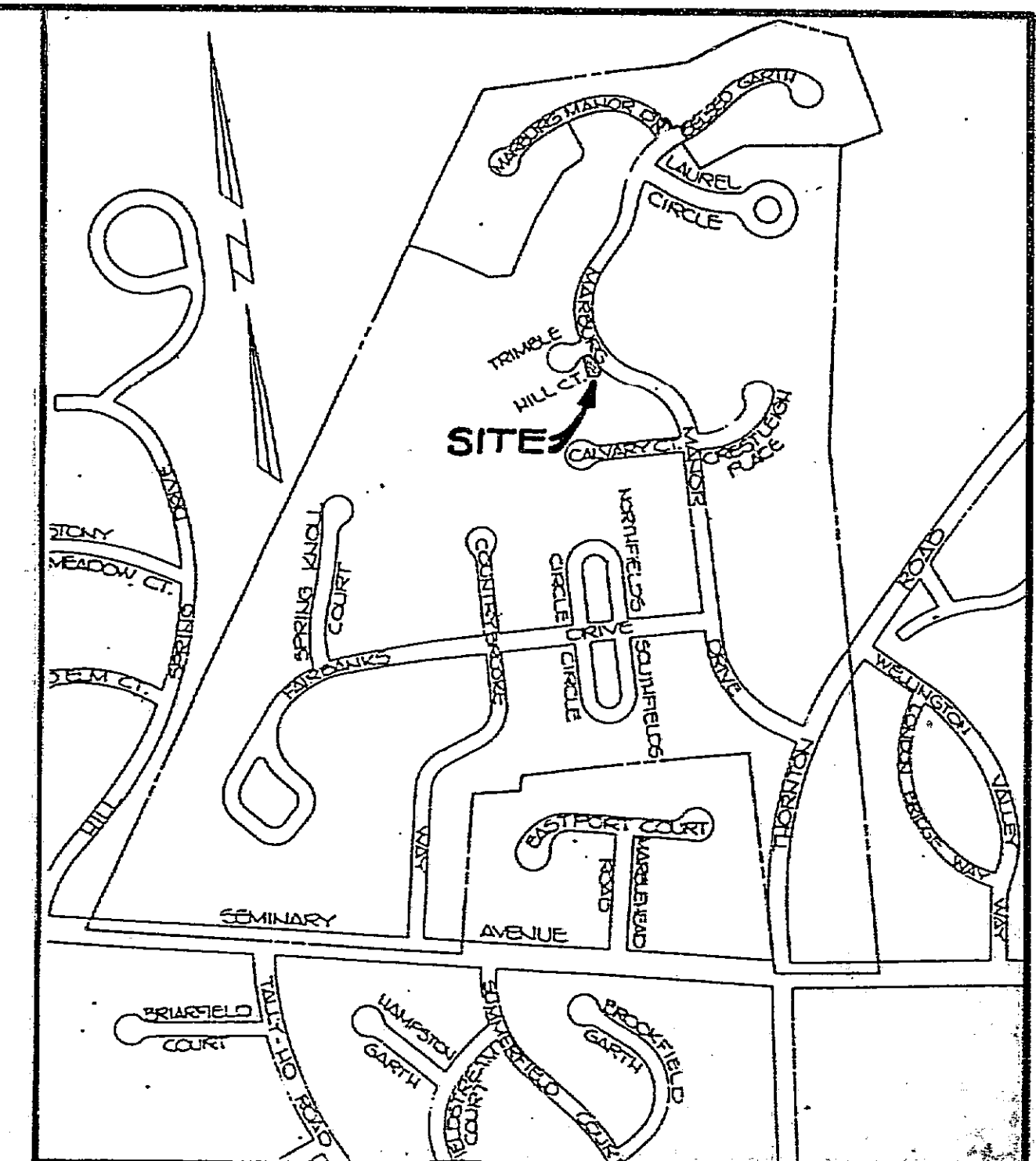


LINE	DIRECTION	DISTANCE
L1	N 27°33'12" E	19.63'
L2	N 68°25'01" E	6.05'
L3	S 70°43'10" E	19.63'
L4	N 68°25'01" E	6.05'
L5	S 00°03'30" W	26.44'



NOTE:

- NARROW GARAGE BY 18" ON RT. SIDE TO PROVIDE REQUIRED BUILDING - BUILDING SETBACK.
- AN EJECTOR PUMP MAY BE REQUIRED TO SEWER BASEMENT AT THIS ELEV.



VICINITY MAP

GENERAL NOTES

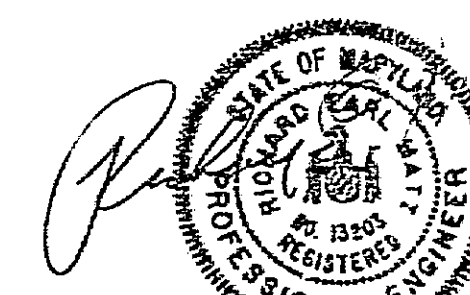
1. Owner: Mary H. Marburg
c/o Grenebaum and Rose Associates
1829 Reisterstown Road
Baltimore, Md. 21208
- Developer: Seminary Overlook Ltd. Partnership
1829 Reisterstown Road
Baltimore, Md. 21208
2. Site: 0.26 acres (11,325 sq. ft.)
Zoned D.R. 2
Plat 66/53

CASE NO. 22-391-A
ZONING VARIANCE

[illegible]

[Signature]
LARRY E. SCHULTZ
Selling Commission
San Francisco, CA 94104

364



2/11/97

SETBACK REQUIREMENTS PER VARIANCE

- 30' BUILDING TO BUILDING
30' BUILDING TO TRACT BOUNDARY
30' WINDOW TO TRACT BOUNDARY
5' 10" WINDOW TO SIDE LOT LINE
30' WINDOW TO WINDOW

Colbert Matz Rosenfelt, Inc.
Engineers • Surveyors • Planners
3723 Old Court Road, Suite 206
Baltimore, Maryland 21208
541-414-1100, 541-414-1101

2	15-57	RESIST LOT 6 FROM B. JACOB TO ALA. FOR VARIANCE	SLD
2	16-56	AP - ST. / FROM LOT 6	SLD
7	15-56	RELOCATE & RESEAL E.A. 24 IN. WHITE	SLD
6	15-26	RESIST LOT 6 FROM N. E. AUSTIN TO ASHLEY & AIR	SLD
5	12-7-85	RESIST LOT 6 FROM AL. ALA. TO B. JACOB	SLD
4	16-56	RESIST LOT 6 FROM N. JACOB TO B. JACOB	SLD

PLAN TO ACCOMPANY VARIANCE HEARING
8704 MARBURG MANOR DRIVE
LOT G BLOCK "J"
RESUBDIVISION OF SEMINARY OVERLOOK
ELECTION DISTRICT: 8C3 BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30' DATE: FEBRUARY 7, 1997

97-364-A